IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

Tuesday, the twentieth day of July, two thousand and four

PRESENT

The Honourable Sri Justice V.Eswaraiah

WRIT PETITION No. 19647 OF 2003

BETWEEN:

G.Bouramma.

Petitioner

And

1. The Correspondent, Srinivas High School, New Bakaram, Hyderabad.
2. The District Education Officer, Hyderabad.
3. The Dy.Educational Officer, Musheerabad Mandal, Hyderabad.
4. The Regional Joint Director of School Education, Kachiguda, Hyderabad.
5. The Commissioner and Director of School Education, Lakdikapool, Hyderabad.
6. The Govt.of Andhra Pradesh, Rep.by its Secretary to the Education, Secretariat, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus directing the respondents to regularize the services of the petitioner in the first respondent school from the date of her initial appointment with all consequential benefits including arrears of back wages and by declaring the action of the respondents in not regularizing the services of the petitioner is arbitrary, illegal and violative of principles of natural justice and Art. 14, 16 and 21 of the Constitution of India.

For the Petitioner: Mr.V.Raghu, Advocate.

For the RespondentNo.1: Mr.D.Govardhana Chary, Advocate,

For respondents 2 to 6 : G.P.,for School Education.

The Court made the following:

ORDER :

It is the case of the petitioner that she was working as Attender since 1979 with initial salary of Rs.350/- per month in the first respondent School and subsequently, the same was enhanced from time to time and presently, she is getting Rs.3,000/- per month. The first respondent also forwarded a letter of recommendation to the second respondent for regularization of her services, but the second respondent returned the said letter to the first respondent for resubmission along with the service register of the petitioner. As the first respondent is not forwarding the proposal for regularization of her services, the petitioner filed W.P.No.24477 of 2001 and this Court by order dated 19-12-2002, directed the second respondent to make an enquiry as to whether the petitioner was working with the previous management of the first respondent school and whether the previous

management was taken over by new management and whether the services of the petitioner can be terminated without following due procedure contemplated under the Education Act in view of the change in the management of a school and if there is any change in the management and whether the said change is in accordance with law. The payment of salary in question lying in deposit with the District Educational Officer, Hyderabad can be realized and paid to the petitioner, pending further orders.

Pursuant to the said direction, respondents 2 and 3 conducted an enquiry into the matter. However, the final outcome of the enquiry was not communicated to the petitioner till today in spite of her repeated requests to furnish the copy of it. The third respondent issued a cheque for an amount of Rs.9,000/- on 15-7-2003 drawn on State Bank of Hyderabad, Gunfoundry Branch, without regularizing her services in the first respondent school.

A counter has been filed by the respondents 2 to 6, stating that pursuant to the orders of this Court, the Deputy Educational officer, Musheerabad Mandal, Hyderabad has conducted enquiry on 31-1-2003 and submitted his report vide letter No.569/MBM/03, dated 18-2-2003. As per the enquiry report, it is stated that Bouramma was working in the first respondent school since 10-6-1979. The correspondent and Head Master of the school have failed to produce any original records like attendance register, but the petitioner has produced Service Book without any counter signature of the Inspecting officer. There are conflicting statements from the Head Master and the Correspondent about the attendance of the petitioner. Ultimately, it was found that there is confusion and lack of relevant records and therefore, the case of the petitioner cannot be settled in either way. However, the Deputy Educational Officer stated that the petitioner is entitled for the salary from 1-6-2001 as per rules and she is also entitled to be continued in service without any hindrance. The Secretary/Correspondent has requested to send the proposals to the office of the District Educational Officer for sanction of vacant aided post in her favour. A cheque for an amount of Rs.9,000/- was also

issued in favour of the petitioner towards her salary

The only grievance of the petitioner is that at least the copy of enquiry report may be furnished to her so as to enable her to take further action in the matter. There cannot be any objection for the respondents in furnishing the copy of enquiry report.

Accordingly, the Writ Petition is disposed of and the respondents 2 and 3 are directed to furnish a copy of the enquiry report to the petitioner within four weeks from the date of receipt of this order so as to enable her to take appropriate action. No costs.

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V.ESWARAIAH,J

20th July, 2004.

Note:-

Issue CC in (3) days.

B/o

Shr/Ksn

To

1. The Correspondent, Srinivasa High School, New Bakaram, Hyderabad.
2. The District Education Officer, Hyderabad.
3. The Dy.Educational Officer, Musheerabad Mandal, Hyderabad.
4. The Regional Joint Director of School Education, Kachiguda, Hyderabad.
5. The Commissioner and Director of School Education, Lakdikapool, Hyderabad.
6. The Secretary to the Education, Govt.of Andhra Pradesh, Hyderabad.
7. Two CD copies.

8. Two CCs to G.P., for School Education, High Court Buildings, Hyderabad (OPUC).